

Notice of Removal is being filed with the Clerk of Courts, Hamilton County, State of Ohio, in conformity with 28 U.S.C. Section 1446(d).

As grounds for removal, the putative Defendants, John Doe Corrections Officers 1-5, Hamilton County Sheriff's Office, and the Hamilton County Board of Commissioners (hereinafter "County Defendants") state that the United States District Court, Southern District of Ohio has federal question jurisdiction over the claims asserted in Plaintiff's Complaint. Specifically, 28 U.S.C. Section 1441(a) governs federal question jurisdiction, and provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

Furthermore, 28 U.S.C. Section 1367(a) governs supplemental jurisdiction, and states that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy."

Plaintiff filed her Complaint as special administrator for the estate of Eric P. Marcus on August 21, 2023, asserting claims of alleged violations of Eric Marcus's constitutionally protected civil rights pursuant to 42 U.S.C. Section 1983, thus instituting federal question jurisdiction. Plaintiff also asserted a state claim for wrongful death which formed from the same case and controversy as the alleged constitutional violation. As such, the Federal District Court possesses supplemental jurisdiction over these supplemental state claims.

Putative County Defendants were served with a copy of the Complaint on August 23, 2023. Accordingly, and pursuant to 28 U.S.C. 1446(b), County Defendants filed this Notice of

Removal in the District Court together with a copy of all process, pleadings, and orders served upon it in the state court action.

Respectfully submitted,

/s/ Pamela J. Sears

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Trial Attorneys for Putative County Defendants

CERTIFICATE OF SERVICE

I hereby certify that on Tuesday September 12, 2023 I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to all counsel of record. Copies of the foregoing were also sent by ordinary U.S. Mail and email to the following:

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